HICKORY CREEK OIL CO.

IBLA 82-1301

Decided May 26, 1983

Appeal from decision of the Colorado State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application C-35510 (Acq.).

Reversed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

It is improper to reject a simultaneously filed oil and gas lease application because of the alleged failure of the signatory to indicate his relationship to the applicant where the applicant is a corporation and the signatory is an officer authorized to act in its behalf, and the application is correctly noted with a reference to the BLM serial number where the articles of incorporation and the names of those authorized to act are on file. In those circumstances, the regulatory requirement that the application be rendered in a manner to reveal the name of the applicant, the name of the signatory, and their relationship, is satisfied.

APPEARANCES: Robert G. Pruitt, Jr., Esq., Lawrence S. Skiffington, Esq., Salt Lake City, Utah, for appellant.

OPINION BY ADMINISTRATIVE JUDGE GRANT

Hickory Creek Oil Company (Hickory) has appealed from a decision of the Colorado State Office, Bureau of Land Management (BLM), dated July 29, 1982, rejecting its simultaneous oil and gas lease application, C-35510 (Acq.), for

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parcel CO-260, which was drawn with first priority in the March 1982 simultaneous oil and gas lease drawing. The Colorado State Office rejected the application stating: "The application is rejected because it is signed by C. (?) A. Doud [sic] without any indication of the relationship between the party signing the application and the applicant." The decision referenced 43 CFR 3112.2-1(b), which provides, in part: "Applications signed by anyone other than the applicant shall be rendered in a manner to reveal the name of the applicant, the name of the signatory, and their relationship."

On appeal counsel for appellant argues, <u>inter alia</u>, that the lease application contains a clear and specific reference defining the relationship between C. A. Dowd and Hickory, in that the corporate qualifications statement referenced on the application, U-46652, contained a detailed recitation and disclosure of the corporate structure, ownership, and organization of appellant corporation.

In March 1982 Hickory filed its simultaneous application in the Colorado State Office, BLM, for parcel CO-260. The face of the application card listed "Hickory Oil Company" as the applicant in the appropriate space. The back of the application was completed to show that statements of qualification had previously been filed in the State of Utah, and assigned identification number U-46652. The application was signed by C. A. Dowd. The signatory, Dowd, was not otherwise identified on the application, but the information held out by appellant as being on file under U-46652 identifies him as a vice president of Hickory who is individually authorized to act for appellant corporation.

We must agree with the argument advanced by appellant. The requirements of 43 CFR 3112.2-1(b) are satisfied where the oil and gas lease application refers to a qualifications file setting forth the relationship between a signatory and the principal, even though the relationship is not apparent on the face of the application. 1/ In completing the application with a reference to the qualifications file, the application clearly was "rendered in a manner" to provide the necessary information. Hercules (A Partnership), 67 IBLA 151 (1982).

Having so found we need not address appellant's other arguments on appeal.

^{1/} We note that the regulation providing for filing by reference, 43 CFR 3102.2-1(c) (1981), was eliminated in the Feb. 26, 1982, rulemaking. However, despite that fact, it was improper for BLM to ignore the reference number on the application. We are unaware of any BLM directive which has ordered the elimination of those reference files. In addition, in at least one instance BLM has retained a regulation, 43 CFR 3112.4-1(b), allowing a regulatory requirement to be satisfied (filing of a power of attorney) by "reference to a serial number under which such authorization is filed."

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is reversed.

C. Randall Grant, Jr. Administrative Judge

We concur:

Bruce R. Harris Administrative Judge

Anne Poindexter Lewis Administrative Judge

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